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ORIGINAL

May 8, 2002

Via Fax and Mail

Mr. Kevin Sharpe
Director of Processing
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

RECEIVED
MAY 10 2002
Illinois Commerce Commission
RAIL SAFETY SECTION

PROPOSED CORRECTIONS TO DRAFT ORDERS

Re: Proposed Orders in T02-0009, T02-0010, T02-0011, T02-0012,
T02-0013, T02-0014, T02-0015 and T02-0016


Dear Mr. Sharpe:

Following up my letter of May 6, 2002, my engineers and I have conducted a further review of the above-referenced draft orders. It appears that the drafters took a previously issued order, inserted new captions, and issued the proposed order without fully editing the content of the draft orders.

Wisconsin Central Ltd. requests that the Commission wait a couple days before issuing the final orders to give us a chance to submit proposed corrections. This will prevent parties from having to submit motions for corrections to the final orders.

Thank you for your assistance in this matter. Feel free to call me if you have any questions.

Sincerely,


Michael J. Barron, Jr.
Counsel

cc: The Honorable June Tate, ICC (via fax)
Mr. Ed Gower, Chief Counsel, IDOT
Mr. Henry Humphries, ICC (via fax)
Mr. John Blair, ICC (via fax)
Mr. Martin G. Buehler, County Engineer, Lake County DOT
Ms. Alice Brownlee, Village Clerk, Village of Lake Villa
Mr. Stephen Smouse, Supervisor, Antioch Township
Mr. Robert Silhan, Director of Planning, Antioch

DOCKETED

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Re: Proposed Orders in T02-0009, T02-0010, T02-0011, T02-0012,
T02-0013, T02-0014, T02-0015 and T02-0016

Dear Mr. Sharpe:

Following up my letter of this morning, enclosed are proposed corrections to the above-referenced proposed orders. These are in addition to the proposed revisions contained in my May 6, 2002 letter.

Thank you for your assistance in this matter. Feel free to call me if you have any questions.

Sincerely,


Michael J. Barron, Jr.
Counsel

Encl.

cc: The Honorable June Tate, ICC (via fax)
Mr. Ed Gower, Chief Counsel, IDOT
Mr. Henry Humphries, ICC (via fax)
Mr. John Blair, ICC (via fax)
Mr. Martin G. Buehler, County Engineer, Lake County DOT
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Mr. Robert Silhan, Director of Planning, Antioch

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Wisconsin Central Ltd., Petitioner :

vs. :

Illinois Department of Transportation :
and Lake County, Illinois, Respondents:

Petition of Wisconsin Central Ltd. :
seeking an order of the Illinois :
Commerce Commission directing that :
an additional track and grade crossing :
be constructed at Grass Lake Road :
(DOT 689-739R) on the Wisconsin :
Central Ltd. in Lake Villa Township, :
Lake County, Illinois. :

T02-0010

ORDER

By the Commission:

On February 21, 2002, Wisconsin Central Ltd. ("the Railroad") filed a verified petition with the Illinois Commerce Commission ("Commission") in the above-captioned matter seeking an order authorizing the construction of an additional track across Grass Lake Road (DOT 689-739R) in Lake Villa Township, Lake County, Illinois, naming as Respondents the Illinois Department of Transportation ("IDOT") and Lake County, Illinois.

Pursuant to notice as required by law and the rules and regulations of the Commission, the matter came on for hearing before a duly authorized Hearing Examiner of the Commission on April 16, 2002 at the Commission's offices in Chicago, Illinois. The Railroad and IDOT were represented by counsel. Henry Humphries of the Railroad Section, Transportation Division of the Commission entered an appearance. At the conclusion of the hearing on the aforementioned date, the record was marked "Heard and Taken."

Tom Klemm, Metra Project Manager, and Jack E. Palach, Signal Design Officer of the Railroad, testified at the hearing. The Railroad proposes the construction of a new main line track east of its existing main line track. Train traffic now consists of ten Metra trains five days of the week and approximately thirty freight trains daily. Timetable speed for passenger and freight trains is sixty miles per hour. The numbers of trains will increase upon completion of the

expansion. Automobile traffic is generated by nearby light industry and includes trucks and automobiles, as well as school buses.

The new crossing surface will be plank and asphalt. The crossing is now provided with gates, automatic flashing light signals, ~~median mounted signals~~, and constant warning time circuitry ("CWT circuitry") all of which are adequate for the proposed expansion. In Docket T99-0038, preemption time was set at 28 seconds. IDOT requests that the Order in that docket be revised to account for the increased width of the crossing and the necessity to increase the preemption time to 30 seconds. X

Revised plans were submitted by Petitioner to all parties in response to issues raised by IDOT at the hearing. The revised plans have been made a part of the record as Petitioner's Late-Filed Exhibit One (1).

The Commission, having given due consideration to the entire record herein and being fully advised in the premises, is of the opinion and finds that:


- (1) the Wisconsin Central Ltd. is engaged in the transportation of goods for-hire in the State of Illinois and as such, is a rail carrier within the meaning of Chapter 625 ILCS 5/18c-1104(30) of the Illinois Commercial Transportation Law ("Law") as amended;
- (2) the Illinois Department of Transportation exists by virtue of the laws of the State of Illinois;
- (3) the County of Lake is a political subdivision of the State of Illinois;
- (4) the Commission has jurisdiction of the subject matter and parties herein;
- (5) matters contained in the prefatory portion of this Order are adopted as findings of fact;
- (6) the Wisconsin Central Ltd. proposes the construction of an additional track east of the existing track at Grass Lake Road in Lake Villa Township, Lake County, Illinois;
- (7) the additional track is part of the Metra Expansion Project and is necessary for the efficient operation of freight and Metra passenger trains, both of which have increased in recent years and are expected to increase in the future;
- (8) the Wisconsin Central Ltd. shall bear the full cost of the improvements to the Grass Lake Road crossing and no funds are

requested or are forthcoming from Lake Villa Township or the Grade Crossing Protection Fund of the Motor Fuel Tax Law.

IT IS THEREFORE ORDERED that permission be, and it is hereby granted to the Wisconsin Central Ltd. to construct an additional track across the Grass Lake Road crossing in Lake Villa Township, Lake County, Illinois, and to construct a plank and asphalt crossing surface, relocate warning devices, and install constant warning time circuitry.

IT IS FURTHER ORDERED that the cost of the improvements herein approved be, and the same is hereby to be borne entirely by the Wisconsin Central Ltd.

IT IS FURTHER ORDERED that the Wisconsin Central Ltd. is hereby required and directed to proceed with the project herein approved and in all aspects thereof to conform to the requirements of 92 Illinois Administrative Code ("I.A.C.") 1535.

IT IS FURTHER ORDERED that Wisconsin Central Ltd. shall file Form 1 of 92 I.A.C.1535 of this Commission showing details of the automatic warning device relocation and circuitry ~~relocation and~~ installation herein required and shall receive approval thereof by X-Resolution before commencing the work of relocation. 

IT IS FURTHER ORDERED that the Wisconsin Central Ltd. shall notify the Director of Processing, Transportation Division of the Commission within six months from the date of this order of the progress they have made toward completion of the work herein required.

IT IS FURTHER ORDERED that the work herein approved shall be completed within one year of the date of this Order.

IT IS FURTHER ORDERED that the Wisconsin Central Ltd. shall within five (5) days of the completion of the work herein, file National Inventory Update Report Forms with the Commission's Director of Processing, Transportation Division, as notices of said completion.

IT IS FURTHER ORDERED that the Commission shall retain jurisdiction for the purpose of issuing any supplemental order or orders as it may deem necessary.

IT IS FURTHER ORDERED that in accordance with Chapter 625 ILCS 5/18c-2201 and 5/18c-2206 of the Illinois Commercial Transportation Law, this is a final order subject to the Administrative Review Law.

By Order of the Commission this 8th day of May, 2002.

Chairman